IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID E. PAITSEL, SR.,

\$ No. 124, 2012

Defendant BelowAppellant,

\$ Court Below—Superior Court

v. \$ of the State of Delaware
\$ in and for Kent County

STATE OF DELAWARE,

\$ Plaintiff BelowAppellee.

\$ \$ No. 124, 2012

Submitted: June 15, 2012 Decided: July 23, 2012

ORDER

This 23rd day of July 2012, it appears to the Court that, on May 25, 2012, the Clerk issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for the appellant's failure to diligently prosecute his appeal by not filing his opening brief and appendix. The appellant has failed to respond to the notice to show cause within the required 10-day period. Therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely Justice